IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

APPEAL NO.131 OF 2006
IN
SUMMONS FOR JUDGMENT NO.460 OF 2005
IN
SUM.SUIT NO.1529 OF 2005

Jasch Industries Ltd. .. Appellant
V/s
Abhishek Mohankumar Jain .. Respondent

Mr.N.Engineer i/by RMG Law Associates for the Appellants.

Mr.Tushar Goradia for the Respondent.

CORAM: DR.S.RADHAKRISHNAN &
S.J.VAZIFDAR, JJ.

DATE : 19.04.2006.

P.C.:

1. Heard the learned Counsel for the parties. By this Appeal, the Appellant is challenging an order dated 30.1.2006 passed in Summons for Judgment No.460 of 2005 whereby the learned Single Judge has granted conditional leave to defend the suit, directing the Appellant to deposit Rs.6 lakhs within a period of four weeks. The learned Counsel for the Appellant fairly states that in this case, the goods supplied were valued at Rs.18,15,000/- and after that the Appellant has paid 13,50,000/- leaving thereby the balance amount of Rs.4.65,000/- due and payable by the Appellant. Considering the amount of interest the learned Single Judge has granted the conditional leave to defend the suit, directing to deposit Rs.6 lakhs. We do not find any reason to interfere with the impugned order of the learned Single Judge, specially in view of the fact that the Appellant is unable to produce any evidence to show that the goods supplied were defective. The learned

Counsel for the Appelant is unable to show as to how the letters by which the Appellant is alleged to have complained were even delivered to the Respondents. The learned Counsel for the Appellant states that the Appellant is ready and willing to return the defective goods back to the Respondents. Appeal stands dismissed.

(DR.S.RADHAKRISHNAN, J.)

(S.J.VAZIFDAR, J.)